

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
NOVEMBER 13, 2001

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Georgina Forbes; Dan Luce, RPH; Charlotte Rasmussen; Sue Sutter

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Gina Besteman, Women's International Pharmacy; Liliya Roytburd, Becky Stoner, Becky Phillip and Marnie Barta, students; Laurie Dean, GHC; Jamie Statz Paynter, Dean Pharmacy; Susan Kleppin, Pam Ploetz, Mike Dow, Russ Jensen, Tamara Clark, Brian Jensen, Ken Schaefer and Chris Decker, PSW; Kathy Skibinski, SOP; Evelyn Fuller, Walgreens

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:05 a.m.

APPROVAL OF AGENDA

Amendments: -Item Q, Discussion of urine screens – automatic reduction, will be discussed in open session  
-Proposed stipulation in the matter concerning Douglas K. Stucky, RPH – Cedarburg – Case Advisor, Sue Sutter  
-Proposed stipulation in the matter concerning Gerald F. Jennings, RPH – Sauk City – Case Advisor, John Bohlman  
-Practice Question – Medicap Pharmacy, LTC  
-Practice Question – content of prescription labels  
-Informational item – Memo from NABP regarding online pharmacies selling antibiotics  
-Educational discussion regarding screening  
-Discussion of meeting dates  
-Request from Fox TV

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the agenda as published.

## APPROVAL OF MINUTES OF OCTOBER 9-10, 2001

Corrections: -On page one, under REVIEW AND APPROVE SCOPE STATEMENT..., in the heading delete the first two references to "BOARD". In the following motion and paragraph, delete the word "board" immediately after "internship".  
-On page 2, at the top of the page, delete "strike everything that is not minimally necessary" and insert, "submit a draft".

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the Minutes of October 9-10, 2001, as corrected. Motion carried unanimously.

### SECRETARY OSCAR HERRERA

Secretary Herrera briefly addressed the Board. At this time Patrick Braatz announced that he will be leaving DRL at the end of the month to take a position at DWD. Secretary Herrera assured the Board that there will be an orderly transition of duties. John Bohlman said he received the DOA report regarding their review of DOE. This report recommended that all Boards be involved in the reorganization process, and Mr. Bohlman asked Secretary Herrera if that would occur. Secretary Herrera said it would be nearly impossible to meet with all the boards and advisory committees, but stated the Boards will be given a copy of the Department's proposal before it is submitted to DOA.

### PRESENTATION OF PROPOSED STIPULATIONS

#### DOUGLAS K STUCKY, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Douglas K. Stucky, RPH. This matter will be deliberated on in closed session.

#### GERALD F JENNINGS, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Gerald F. Jennings, RPH. This matter will be deliberated on in closed session.

### REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

### DISCUSSION AND ADOPTION OF MODIFICATIONS TO CLEARINGHOUSE RULE 00-157 RELATING TO CONSULTATION EXAMINATIONS AND LICENSURE REQUIREMENTS/MEETING WITH REPRESENTATIVES OF THE PHARMACY SOCIETY OF WISCONSIN TO DISCUSS CE RULES AND OTHER TOPICS OF MUTUAL CONCERN

The Board met with representatives from PSW to discuss modifications to Clearinghouse Rule 00-157 relating to consultation examinations and licensure requirements. PSW is not in favor of

the proposed rule that would allow the Board to designate topic areas for a portion of the required CE hours. The Pharmacy Examining Board withdrew the proposed rule from the legislature due to the objections from PSW, and hoped to reach a compromise with PSW if possible. No consensus was reached at this time.

#### REVIEW AND APPROVAL FOR SUBMISSION TO CLEARINGHOUSE DRAFT RULES DEFINING A PHARMACY INTERNSHIP, RELATED INTERNSHIP DEFINITIONS AND QUALIFICATIONS FOR ORIGINAL LICENSURE

The Board reviewed the draft rules regarding pharmacy internship and made some revisions. Legal counsel will make the language revisions and a final draft will be available at the next meeting and for the public hearing.

#### DISCUSSION OF PRE-PRINTED PRESCRIPTION PADS

This topic was discussed at a previous Board meeting.

#### DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the distributor's applications of **Alpha Health Source, Inc., CA; Apotex Corp., IN; Apria Healthcare, Inc., Wisconsin Rapids; Axiom Healthcare, FL; Bayer Corp., Agriculture Division Animal Health, KS; First Community Care, LLC, Waukesha; Oconomowoc Memorial Hospital, Oconomowoc; Respiratory Partners, Inc., West Allis; Searle, Ltd., PR; and Syncor International Corp., CA.** Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the manufacturer's applications of **Apria Healthcare, Inc., Green Bay, and Respiratory Partners, West Allis.** Motion carried unanimously.

#### VARIANCE REQUESTS

##### PHILLIPS PHARMACIES, REEDSBURG

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to grant the variance request to Phillips Pharmacies, Reedsburg. Motion carried unanimously.

##### COMMUNITY PHARMACY, RACINE

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant the variance request of Community Pharmacy, Racine, provided medications are reviewed and dispensed to the patient at each visit by a registered nurse or a physician. Motion carried unanimously.

## CHARTWELL MIDWEST WISCONSIN, MIDDLETON

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to deny item 1 of the variance request and grant item 2 of the variance request of Chartwell Midwest Wisconsin, Middleton. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – no, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – no. Motion carried.

## FENNIMORE PHARMACY, FENNIMORE

Sue Sutter took over as Chair at this time.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant the variance request of Fennimore Pharmacy, Fennimore. John Bohlman abstained. Motion carried.

John Bohlman resumed as Chair at this time.

## PESHTIGO PHARMACY, PESHTIGO

MOTION: Dan Luce moved, seconded by Sue Sutter, to grant the variance request of Peshtigo Pharmacy with the provisions of:

1. Peshtigo Pharmacy Health Care Services must remain a closed pharmacy.
2. There will be no public access to the pharmacy.
3. There will be no public interruption and no face to face counseling.
4. All prescriptions are delivered to the patient's residence or mailed.
5. The layout of the pharmacy must maintain separate technician and R.Ph. functions.
6. The R.Ph. who checks work shall be identified with a record maintained for accountability and responsibility.
7. The checking does not need to be done contemporaneously with filling, (i.e., not in real time).
8. The average pharmacist to technician ratio shall not exceed 4:1 during any calendar month, with the actual ratio never to exceed 10:1 at any time.
9. The variance is for Peshtigo Pharmacy only.

Roll call vote: Cynthia Benning – no, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – no, Dan Luce – yes, Charlotte Rasmussen – no, Sue Sutter – yes. Motion carried.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to have this variance expires on January 1, 2004. Motion carried unanimously.

## CORRESPONDENCE RELATING TO OPIOID ANALGESICS FROM WISCONSIN

This item was informational.

SCHEDULE OF CONTROLLED SUBSTANCES PLACEMENT OF  
DICHLORALPHENAZONE INTO SCHEDULE IV

This item was informational.

CONTROLLED SUBSTANCES ACT AVAILABLE ON THE INTERNET

This item was informational.

CORRESPONDENCE RELATING TO RECENT NATIONAL CASE OF THE PHARMACIST  
CAUGHT DILUTING ONCOLOGY MEDICATIONS

This item was informational.

PRACTICE QUESTIONS

The Board directed legal counsel to reply to the practice questions.

REPORT OF PHARMACY INTERNSHIP BOARD

There was no report.

REPORT OF CONTROLLED SUBSTANCES BOARD

The Controlled Substances Board has not met since the last PEB meeting.

CONSIDERATION OF APPOINTMENT OF PHARMACY BOARD MEMBER TO UW  
SCHOOL OF PHARMACY QUALITY REVIEW COUNCIL

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to appoint Cynthia Benning to the UW School of Pharmacy Quality Review Council. Motion carried unanimously.

EDUCATIONAL DISCUSSION ON SCREENING

The Board discussed screening issues.

*REGULATORY DIGEST*

The *Regulatory Digest* has been mailed out.

DISCUSSION OF MEETING DATES

The next meeting of the Screening Committee will be on the afternoon of December 10, and the Board meeting will be on December 11, concurrent with the examination.

#### REQUEST FROM FOX TV

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve Cynthia Benning to be interviewed by Fox TV as a representative of the Board. Motion carried unanimously.

#### RECESS TO CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Dan Luce, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis Stats., for the purpose of deliberation of proposed stipulations, considering requests for stays of suspensions and modifications of orders, deliberation of a proposed decision, discussion of examination issues, reviewing case status report and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter - yes. Motion carried unanimously.

Open session recessed at 1:42 p.m.

#### RECONVENE IN OPEN SESSION

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:43 p.m.

#### VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

#### REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

##### PHILIP L DALLMAN, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Philip L. Dallman, R.Ph. Motion carried unanimously.

##### ROGER G IVERSON, RPH

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to grant a three-month stay of suspension to Roger G. Iverson, R.Ph. Sue Sutter abstained. Motion carried.

DAVID L KLEINGARTNER, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a one-month stay of suspension, a decrease in therapy to once per month, an 8-hour increase in hours as pharmacist in charge to a total of 24 hours per week with no consecutive open and close, and screens to remain at four per month to David L. Kleingartner, R.Ph. Motion carried unanimously.

MARILYN L KUHRT, RPH

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to grant a three-month stay of suspension with therapy to remain at once per month to Marilyn L. Kuhrt, R.Ph. Motion carried unanimously.

PROPOSED STIPULATIONS

DOUGLAS K STUCKY, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Douglas K. Stucky, R.Ph. Case advisor – Sue Sutter. Dan Luce abstained. Motion carried.

GERALD F JENNINGS, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Gerald F. Jennings, R.Ph. Case advisor – John Bohlman. Motion carried unanimously.

PROPOSED DECISION

HANI S AMER, RPH

Case advisor Georgina Forbes was absent for deliberation.

MOTION: Dan Luce moved, seconded by Sue Sutter, to adopt the Findings of Fact in the matter concerning Hani S. Amer, R.Ph. Case advisor – Georgina Forbes. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Sue Sutter, to adopt the Conclusions of Law in the matter concerning Hani S. Amer, R.Ph. Case advisor – Georgina Forbes. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt the Order in the matter concerning Hani S. Amer, R.Ph. Case advisor – Georgina Forbes. Motion carried unanimously.

## CASE STATUS REPORT

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to close complaint **01 PHM 025** for no insufficient evidence. Case advisor was John Bohlman. Dan Luce abstained. Motion carried.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to close complaint **01 PHM 028** for prosecutorial discretion (P2). Case advisor was Cynthia Benning. Motion carried unanimously.

Complaint **01 PHM 027** is to be sent to case advisor for inspection.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to close complaint **00 PHM 058** for prosecutorial discretion (P5). Case advisor was Dan Luce. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Sue Sutter, to close complaint **01 PHM 052** for no violation. Case advisor was Dan Luce. Sue Sutter abstained. Motion carried.

## PHARMACY INTERNSHIP RULES

MOTION: Sue Sutter moved, seconded by Georgina Forbes, to promulgate emergency rules relating to pharmacy internships. Motion carried unanimously.

## ADJOURNMENT

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:26 p.m.

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